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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/203,223	11/30/1998	RAJESH KANUNGO	23668.001739	3941

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BEYER WEAVER & THOMAS LLP
P.O. BOX 778
BERKELEY, CA 94704-0778

EXAMINER

LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 05/22/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

23

Office Action Summary

Application No.

09/203,223

Applicant(s)

KANUNGO, RAJESH

Examiner

Hunter B. Lonsberry

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②

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 1998 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 3/27/03 have been fully considered but they are not persuasive.

1) Applicant argues that "All the video data in Killian must be integrated with one or more of the audio/video overlays 32, and Alexander can not be used in combination with Killian since Alexander requires at least the video window 12 not be integrated with the EPG content which can not be accomplished using the system of Killian." (Page 3).

Regarding applicants argument, Killian discloses that platform 12 containing channel mapping information that associates a TV signal with a number of URLs which enable a user to access information related to a channel, Internet information and television broadcasts may be displayed in two separate displays areas within the display of television 40, alternatively they may be overlaid, moved, sized, blended, merged or manipulated via a java applet (column 5, lines 11-50). As Alexander teaches an EPG display in which internet data and video data are displayed in separate areas, Alexander does not teach away from Killian as Killian discloses that the video and internet information are typically displayed in separate areas.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 6-8 and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation "wherein the video data is not integrated with the content of the web page" is not supported by the specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 6-8 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims require the use of an applet to control displayed video on a webpage, however the video is not integrated with the page. If video is displayed as part of a web page it is integrated with the webpage as the html code and java applet controls related to the video are also part of the web page's code whether the video is displayed in an area separate from internet content, or the video is displayed in a window/frame/panel within the webpage itself.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2, 4-9, 11, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,163,316 to Killian in view of U.S. Patent 6,177,931-B1 to Alexander.

Regarding claim 1, Killian discloses a Java enabled television system which utilizes Java applets for controlling the display of video and other data within a webpage (column 3, lines 7-27, column 5, line 30-column 6, line 5, column 6, line 60-column 7, line 7), the Java applet receives user input via a Java enabled EPG (Figure 3, column 8, lines 36-40, column 13, lines 12-21), and calls via the applet the necessary API functions to control the display of video data on a web page. Killian inherently contains a PIP object and PIPInfo object which are utilized for the display and control of an EPG control panel as Java objects are essential for both the creation and operation of a Java applet and the communications of the applet with the hardware and software which it is being run on. Killian does not disclose the use of an applet where the video data is not integrated with the content of a web page. Alexander discloses in Figure 1, an EPG display 10 with a video window 12 in which video is not integrated with the displayed EPG content, the EPG content may be downloaded from an internet website (column 3, lines 1-20, column 8, lines 18-64). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the java enabled TV system of Killian to control the video in a separate window as shown by Alexander thereby enabling a user to view preview a program and navigate programming simultaneously.

Regarding claims 2 and 12, Killian discloses a Java enabled TV system in which switching between TV and video input is controlled by a Java applet (column 4, lines 20-24, column 6, lines 77-31, column 7, lines 25-32).

Regarding claim 4, Killian discloses that the Java enabled TV system can turn the video on and off (column 6, line 60-column 7, line 7).

Regarding claim 5 and 14, Killian discloses that the Java enabled TV system can change the channel (column 13, lines 44-51).

Regarding claims 6 and 11, Killian discloses a Java enabled television system which utilizes Java applets for controlling the display of video and other data within a webpage (column 3, lines 7-27, column 5, line 30-column 6, line 5, column 6, line 60-column 7, line 7), the applet is created and run on processor 8 (Figure 1, column 3, lines 12-18) the Java applet receives user input via a Java enabled EPG (Figure 3, column 8, lines 36-40, column 13, lines 12-21) from buttons pressed on remote control 42, and calls via the applet the necessary API functions to control the display of video data on a web page on the TV/receiver hardware (column 6, line 60-column 7, line 7). Killian inherently contains a PIP object and PIPInfo object which are utilized for the display and control of an EPG control panel as Java objects are essential for both the creation and operation of a Java applet and its communications with the hardware and software which it is being run on. Killian does not disclose the use of an applet where the video data is not integrated with the content of a web page. Alexander discloses in Figure 1, an EPG display 10 with a video window 12 in which video is not integrated with the displayed EPG content, the EPG content may be downloaded from an internet website

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(column 3, lines 1-20, column 8, lines 18-64). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the java enabled TV system of Killian to control the video in a separate window as shown by Alexander thereby enabling a user to view preview a program and navigate programming simultaneously.

Regarding claim 7 Killian discloses a Java enabled television system which utilizes Java coded applets for controlling the display of video and other data within a webpage (column 3, lines 7-27, column 5, line 30-column 6, line 5, column 6, line 60-column 7, line 7), the applet is created and run on processor 8 (Figure 1, column 3, lines 12-18), receives user input via a Java enabled EPG (Figure 3, column 8, lines 36-40, column 13, lines 12-21) from buttons pressed on remote control 42, and calls via the applet the necessary API functions to control the display of video data on a web page on the TV/receiver hardware (column 6, line 60-column 7, line 7). Killian inherently contains a PIP object and PIPInfo object which are utilized for the display and control of an EPG control panel as a Java objects are essential for both the creation and operation of a Java applet and its communications with the hardware and software which it is being run on. Killian does not disclose the use of an applet where the video data is not integrated with the content of a web page. Alexander discloses in Figure 1, an EPG display 10 with a video window 12 in which video is not integrated with the displayed EPG content, the EPG content may be downloaded from an internet website (column 3, lines 1-20, column 8, lines 18-64). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the java enabled TV system of

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Killian to control the video in a separate window as shown by Alexander thereby enabling a user to view preview a program and navigate programming simultaneously.

Regarding claim 8, Killian discloses a Java enabled television system which utilizes Java applets for controlling the display of video and other data within a webpage (column 3, lines 7-27, column 5, line 30-column 6, line 5, column 6, line 60-column 7, line 7), the Java applet receives user input via a Java enabled EPG (Figure 3, column 8, lines 36-40, column 13, lines 12-21), and calls via the applet the necessary API functions to control the display of video data on a web page. Killian inherently contains a PIP object and PIPInfo object which are utilized for the display and control of an EPG control panel as Java objects are essential for both the creation and operation of a Java applet and the communications of the applet with the hardware and software which it is being run on. Killian does not disclose the use of an applet where the video data is not integrated with the content of a web page. Alexander discloses in Figure 1, an EPG display 10 with a video window 12 in which video is not integrated with the displayed EPG content, the EPG content may be downloaded from an internet website (column 3, lines 1-20, column 8, lines 18-64). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the java enabled TV system of Killian to control the video in a separate window as shown by Alexander thereby enabling a user to view preview a program and navigate programming simultaneously.

Regarding claim 9, Killian discloses a Java enabled TV system in which switching between TV and video input is controlled by a Java applet (column 4, lines 20-24, column 6, lines 77-31, column 7, lines 25-32).

Claims 3, 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,163,316 to Killian in view of 6,177,931-B1 to Alexander in further view of U.S. Patent 5,594,510 to Sakakibara.

Regarding claims 3, 10, and 13 Killian discloses a Java enabled TV system in which switching between TV and video input is controlled by a Java applet (column 4, lines 20-24, column 6, lines 77-31, column 7, lines 25-32). The combined system of Killian and Alexander does not disclose a display function for switching between broadcast frequency and cable frequency. Sakakibara discloses in Figure 3, an over the air antenna 34, cable input 35 and a switch 36 (column 2, lines 9-15). Therefore it would have been obvious to one skilled in the art at the time of invention to modify the Java controlled switching apparatus of the combined system of Killian and Alexander to accept and switch between both CATV and over the air broadcasts as taught by Sakakibara in order to allow a television view to still watch cable TV programming even if the CATV line goes out of service and to allow for the viewing of stations not carried by a CATV provider.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,005,565 to Legall: Integrated Search of Electronic Program Guide, Internet and Other Information Resources.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5359 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

HBL
May 14, 2003



VIVEK SRIVASTAVA
PATENT EXAMINER